

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PCTMA-04	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/EP2005/001644	International filing date (day/month/year) 17/02/2005	(Earliest) Priority Date (day/month/year) 17/02/2004
Applicant MATUSCHKA-GREINFFENCLAU, Markus Graf V.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ Certain claims were found unsearchable (See Box II).3. ☐ Unity of invention is lacking (see Box III).4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

 International Application No
 PCT/EP2005/001644

A. CLASSIFICATION OF SUBJECT MATTER

 IPC 7 A61P25/32 A23L1/29 A23L1/30 A61K31/7004 A61K31/194
 A61K31/375 A61K31/195 A61K31/198 A61K31/525 A61K31/122

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23L A61P A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, FSTA, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A ✓	US 2002/006910 A1 (MIASNIKOV DMITRI ET AL) 17 January 2002 (2002-01-17) paragraphs '0002!, '0005!, '0008! - '0016!, '0019! example 1	1-18
A ✓	WO 03/006073 A (PENAM INVESTMENTS PTY LTD; MCGREGOR, NEIL, ROLAND) 23 January 2003 (2003-01-23) page 1, line 20 - page 2, line 21 page 5, lines 16-25 page 8, lines 10,11 page 8, line 20 - page 9, line 5 page 10, lines 11-28 page 11, lines 7-13 ----- -/--	1-18

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *Z* document member of the same patent family

Date of the actual completion of the international search

14 July 2005

Date of mailing of the international search report

01/08/2005

Name and mailing address of the ISA

 European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Couzy, F

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP2005/001644

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A ✓	FR 2 748 935 A (CLERGEAUD JEAN) 28 November 1997 (1997-11-28) page 3, lines 7-17 claims 1,2	1-18
A ✓	----- GB 2 308 810 A (* SOBERING THOUGHTS LIMITED) 9 July 1997 (1997-07-09) pages 2-3,5,6	1-18
A ✓	----- PATENT ABSTRACTS OF JAPAN vol. 014, no. 334 (C-0742), 18 July 1990 (1990-07-18) & JP 02 124084 A (AJINOMOTO CO INC), 11 May 1990 (1990-05-11) abstract	1-18
A ✓	----- EP 0 185 117 A (IPEX GETRANKE-HERSTELLUNGS- UND VERTRIEBSGESELLSCHAFT MBH) 25 June 1986 (1986-06-25) page 1, paragraph 1 page 3, paragraph 2 -----	1-18

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP2005/001644

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a):

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: -

Present claim 18 relate to a composition defined by reference to desirable properties, namely the desired effects produced within the body after administration.

The claim covers all compositions having these properties whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such compositions. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, that claim also lack clarity (Article 6 PCT). Indeed, an attempt is made to define the compositions by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the compositions according to claims 1-17 which, according to p.5 of the description, allow to obtain these desired effects.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2005/001644

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 2002006910	A1	17-01-2002	RU 2160589 C1	20-12-2000
WO 03006073	A	23-01-2003	WO 03006073 A1	23-01-2003
			CA 2453159 A1	23-01-2003
			JP 2004534094 T	11-11-2004
			US 2004248819 A1	09-12-2004
			ZA 200400165 A	01-11-2004
FR 2748935	A	28-11-1997	FR 2748935 A1	28-11-1997
			FR 2748936 A1	28-11-1997
GB 2308810	A	09-07-1997	NONE	
JP 02124084	A	11-05-1990	JP 2560808 B2	04-12-1996
EP 0185117	A	25-06-1986	EP 0185117 A1	25-06-1986